IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3667 OF 2001
IN
FIRST APPEAL NO.849 OF 2001

Karbhari Tukaram Rakibe
(since deceased through L.Rs.) ...Applicants
vs.
Alka Sahebrao Deshmukh & ors. ...Respondents

Mr.Kishor Patil i/b Mr.P.N.Joshi for the Applicants

CORAM: A.S.OKA,J.
DATE : DECEMBER 6,2007.

P.C.:

1. There is nothing on record to show that the entire amount payable under the Award has been deposited by the Applicants in terms of ad-interim order dated 4th April 2007.

2. The impugned Award has been passed in a case arising out of a fatal accident. At the time of filing the claim petition the claimants No.2 to 5 were minors. Now, all of them must have attained majority considering their respective ages mentioned in the cause title of the Judgment of the Tribunal.

3. Considering the facts and circumstances of the case, blanket stay cannot be granted and the concerned Respondents will have to be permitted to withdraw certain amount.

4. Hence, Civil Application is disposed of by passing the following order :

i) If the entire amount as directed by ad-interim order dated 4th July 2007 is already deposited by the Applicant, there will be interim relief in terms of prayer clause (b). If the entire amount is not deposited as of today, the same shall be deposited by the Applicant within a period of four weeks from today. If the amount is deposited within stipulated time, there will be interim order in terms of prayer clause (b). If compliance is not made, interim relief will stand vacated without further reference to the court.

ii) If compliance is made as aforesaid, the Tribunal will permit the first claimant to withdraw a sum of Rs.51,000/- without any security. The tribunal will also permit the second to fifth claimants to withdraw a sum of Rs.15,000/- each without security.

iii) Rest of the amount deposited by the Applicant shall be invested in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the final disposal of the Appeal.

iv) The Tribunal will permit the first claimant to withdraw 50% of the interest accrued on the fixed deposit. To facilitate the withdrawal of 50% of the interest, the amount shall be invested by the Tribunal in two separate fixed deposit receipts in equal amounts.

v) No order as to costs.

JUDGE